

PRE-APPLICATION CONSULTATION



Under the provisions of the Land Drainage Act 1991 and the local byelaws made by the Middle Level Commissioners and our associated/administered Boards, development in and around watercourses in this area or involving discharges of surface water or treated effluent to watercourses will require the Consent of the Commissioners/Boards, in addition to any Planning Consents that may be required. The obtaining of a Planning Permission, whether or not subject to conditions, does not remove the need to obtain the Commissioners'/Boards' Consent.

In addition, this area is classified as a defended flood plain and is totally dependent on artificial flood management activities to provide a level of flood protection within which development can take place. The Commissioners/Boards advise on the flood risk management impacts of a proposed development.

However, both the Commissioners/Boards and the Local Planning Authorities (LPA) are concerned at the way in which flood risk management issues are commonly dealt with by applicants. Too often, it is found that insufficient thought has been given to flood issues either impacting on or caused by the development which leads to objections having to be lodged on behalf of the Commissioners/Boards and enforcement action, which can prove very expensive for the applicant, having to be taken.

Equally, where conditions relating to flood risk management are imposed on Planning Applications, the LPA seek our advice over the discharge of such conditions. However, since the Commissioners/Boards are not resourced to deal with such references and are not subject to the same timescales as the Planning Authority, no particular priority can be given to these requests, which can therefore considerably delay a decision on the discharge of a condition. Many applicants also wrongly believe that they only have to comply with any advice/comments issued by the Environment Agency, as regards flood risk management issues. In this area, this is not the case.

The Commissioners/Boards and the LPA within our area have therefore decided to encourage (and urge prospective developers to undertake) pre-application consultation with this office so that flood risk management issues can be dealt with at the earliest possible stage. Such discussions would be able to highlight potential areas where the Consent of the Commissioners/Boards would be required and enable preliminary consideration to be given to the likely response to an application for such Consent before the planning application is submitted. It would also therefore mean that an applicant would have the opportunity to prepare an application so that it met the requirements of the Commissioners/Boards, before a formal planning application was submitted. The early consideration and resolution of flood risk management issues will also mean that fewer conditions relating to such issues would need to be imposed on planning permissions and that, where such conditions are imposed, they can be more quickly discharged. This will lead to a substantial saving of time and costs for planning Applicants.

Pre-application discussions will be a cost to the Applicant but as part of our wish to encourage such discussions, the Commissioners/Boards are prepared to offer a discounted rate for our involvement in them. The rate is set for each financial year and details are available on the fees document available on our website at www.middlelevel.gov.uk.

It should be borne in mind by Applicants that, where the Commissioners/Boards are requested to advise on the discharge of a condition imposed on a planning permission (other than purely formally following satisfactorily concluded pre-application discussions) no discount will be offered and Applicants will be charged at the full rate for any such work.

POST-APPLICATION CONSULTATION

The Commissioners/Boards are of course willing to undertake post-application discussions with an applicant to resolve any outstanding issues. It must be borne in mind however that the application will already have been considered and comments made and it may then be more difficult to adjust the application to incorporate such comments. A planning permission which does not meet the Commissioners'/Boards' concerns and may not be deliverable because byelaw consent is refused by the Commissioners/Boards may then result. From the point of view of providing comments to LPA to meet their own targets and ensuring that the Commissioners'/Boards' own requirements are met, pre-application discussions are therefore encouraged and preferred.